



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

February 3, 2004

Date of Deposit

G. Peter Nichols, Reg. No. 34,401

Name of Applicant, Assignee or
Registered Representative

Signature

February 3, 2004

Date of Signature

Our Case No.: 3086/1435

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Haeri Roh-Schmidt et al.

Serial No.: 10/700,222

Filing Date: November 3, 2003

For: METHOD OF REDUCING
CHOLESTEROL

Examiner: Not yet assigned

Group Art Unit No.: Not yet assigned

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the relevant listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner. Pursuant to the waiver

of the rules change effective June 30, 2003 Information Disclosure Statements may be filed without copies of U.S. patents and U.S. published applications for applications filed after June 30, 2003, (see 37 CFR 1.98 (a) (2) (i)), copies of U.S. patent documents are not required and therefore are not being submitted herewith inasmuch as the captioned application was filed in the USPTO after June 30, 2003.

The references now cited are the following:

U.S. Patent References

| DOCUMENT NUMBER <small>Number-Kind Code (if known)</small> | DATE | NAME |
|--|-------------|-----------------|
| 4,166,861 | 09/1979 | Bonati et al. |
| 4,613,672 | 09/1986 | Hara |
| 4,840,966 | 06/1989 | Hara et al. |
| 6,113,965 | 09/2000 | Goodsall et al. |
| 6,410,052 B1 | 06/2002 | Morré et al. |

Other Art References

| OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.</small> |
|---|
| Charlton, A. J., et al., "The Self-Association of the Black Tea Polyphenol Theaflavin and Its Complexation with Caffeine", <i>J. Chem. Soc., Perkin Trans. 2</i> , 2000, pp. 317-322. |
| Goodsall, C. W., et al., "The Mechanism of Theaflavin Oxidation During Black Tea Manufacture", obtained from the internet at < http://ecsoc2.hcc.ru/DP_TOP2/dp119/dp119.htm > on 07/11/02, 2 pages. |
| Rutgers News, "To The Point: Pioneer Nutraceuticals Research Program Announces Recent Research and Development Advances", obtained from the internet at < http://www.cook.rutgers.edu/www/news/pressreleases/2001/wellgen.html > on 07/11/02, 2 pages. |
| Yang, C., et al., "The Tea Man: The Chemistry of Tea", obtained from the internet at < http://www.teatalk.com/science/chemistry.htm > on 07/11/02, 3 pages. |
| Herbs-Tech, "EFCG Information", obtained from the internet at < http://www.herbs-tech.com/egcg.htm > on 07/12/02, 2 pages. |
| Herbs-Tech, "Tea Catechins Information", obtained from the internet at < http://www.herbs-tech.com > on or around 07/12/02, 2 pages. |
| Kris-Etherton, P., et al., "Evidence That the Antioxidant Flavonoids in Tea and Cocoa Are Beneficial For Cardiovascular Health", <i>Nutrition and Metabolism</i> , Lippincott Williams & Wilkins, Philadelphia, PA, 2002, pp. 41-49. |

With respect to the pages obtained from the Internet, it is noted that they were obtained either on July 11, 2002 or July 12, 2002 even though the printer cut-off the year portions of the date.



In accordance with 37 C.F.R. § 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

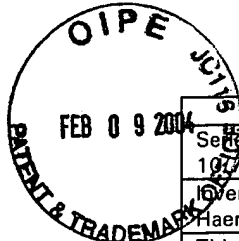
This application claims the benefit of United States Provisional Application Serial No. 60/423,612, filed November 4, 2002 and is relied upon for an earlier filing date under 35 U.S.C. § 120.

Applicant(s) respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,

G. Peter Nichols
Registration No. 34,401
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(312) 321-4200



| TRANSMITTAL LETTER | | | Case No. 3086/1435 |
|--|---------------------------------|------------------------------|------------------------------------|
| Serial No. 107,002,222 | Filing Date November 3, 2003 | Examiner Not yet assigned | Group Art Unit Not yet assigned |
| Inventor(s) Haeri Roh-Schmidt et al. | | | |
| Title of Invention METHOD OF REDUCING CHOLESTEROL | | | |

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an Information Disclosure Statement (in duplicate); Form PTO-1449; 7 Cited References (A6-A12); Return Postcard.

- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Petition for a _____ month extension of time.
- ☒ No additional fee is required.
- ☐ The fee has been calculated as shown below:

| | | | | | Small Entity | | Other Than Small Entity | | |
|---|----------------------------------|-------|---------------------------------|---------------|-----------------|-----------|-------------------------|-----------------|-----------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid For | Present Extra | Rate | Add'l Fee | or | Rate | Add'l Fee |
| Total | | Minus | | | x \$9 = | | | x \$18 = | |
| Indep. | | Minus | | | x 43 = | | | x \$86 = | |
| First Presentation of Multiple Dep. Claim | | | | | + \$145 = | | | + \$290 = | |
| | | | | | Total add'l fee | \$ | | Total add'l fee | \$ |

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$_____. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$_____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

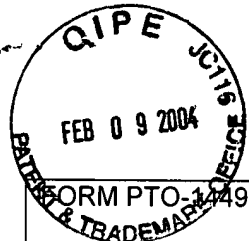
G. Peter Nichols
Registration No. 34,401
Attorney for Applicant
Customer No. 28533 - Alticor

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 3, 2004.

Date: February 3, 2004

Signature:



| | | |
|--|---------------------------------|--|
| FORM PTO-1449 | SERIAL NO. 10/700,222 | CASE NO. 3086/1435 |
| LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT | FILING DATE November 3, 2003 | GROUP ART UNIT Not yet assigned |
| (use several sheets if necessary) | | APPLICANT(S): Haeri Roh-Schmidt et al. |

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER <small>Number-Kind Code (if known)</small> | DATE | NAME | CLASS/ SUBCLASS | FILING DATE |
|---------------------|----|--|---------|-----------------|--------------------|----------------|
| | A1 | 4,166,861 | 09/1979 | Bonati et al. | | |
| | A2 | 4,613,672 | 09/1986 | Hara | | |
| | A3 | 4,840,966 | 06/1989 | Hara et al. | | |
| | A4 | 6,113,965 | 09/2000 | Goodsall et al. | | |
| | A5 | 6,410,052 B1 | 06/2002 | Morré et al. | | |

FOREIGN PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER <small>Number-Kind Code (if known)</small> | DATE | COUNTRY | CLASS/ SUBCLASS | TRANSLATION YES OR NO |
|---------------------|--|--|------|---------|--------------------|--------------------------|
| | | | | | | |
| | | | | | | |
| | | | | | | |

OTHER ART – NON PATENT LITERATURE DOCUMENTS

| EXAMINER INITIAL | | (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published. |
|---------------------|-----|---|
| | A6 | Charlton, A. J., et al., "The Self-Association of the Black Tea Polyphenol Theaflavin and Its Complexation with Caffeine", <i>J. Chem. Soc., Perkin Trans. 2</i> , 2000, pp. 317-322. |
| | A7 | Goodsall, C. W., et al., "The Mechanism of Theaflavin Oxidation During Black Tea Manufacture", obtained from the internet at < http://ecsoc2.hcc.ru/DP_TOP2/dp119/dp119.htm > on 07/11/02, 2 pages. |
| | A8 | Rutgers News, "To The Point: Pioneer Nutraceuticals Research Program Announces Recent Research and Development Advances", obtained from the internet at < http://www.cook.rutgers.edu/www/news/pressreleases/2001/wellgen.html > on 07/11/02, 2 pages. |
| | A9 | Yang, C., et al., "The Tea Man: The Chemistry of Tea", obtained from the internet at < http://www.teatalk.com/science/chemistry.htm > on 07/11/02, 3 pages. |
| | A10 | Herbs-Tech, "EFCG Information", obtained from the internet at < http://www.herbs-tech.com/egcg.htm > on 07/12/02, 2 pages. |
| | A11 | Herbs-Tech, "Tea Catechins Information", obtained from the internet at < http://www.herbs-tech.com > on or around 07/12/02, 2 pages. |
| | A12 | Kris-Etherton, P., et al., "Evidence That the Antioxidant Flavonoids in Tea and Cocoa Are Beneficial For Cardiovascular Health", <i>Nutrition and Metabolism</i> , Lippincott Williams & Wilkins, Philadelphia, PA, 2002, pp. 41-49. |

| | |
|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
|----------|-----------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.